

The 3rd December, 1976

No. 10729-4Lab-76/33031. In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s National Steel Industries, Bahadurgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 93 of 1975

between

SHRI ISHWAR SINGH, WORKMAN AND THE MANAGEMENT OF M/S NATIONAL STEEL
INDUSTRIES, BAHADURGARH

AWARD

By order No. ID/RTK/342-A-75/14327, dated 16th October, 1975, the Governor of Haryana, referred the following dispute between the management of M/s National Steel Industries, Bahadurgarh and its workman Shri Ishwar Singh, to this Court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Ishwar Singh was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed,—vide my order, dated 7th April, 1976 :

- (1) Whether the reference is bad in law for the Preliminary objection stated in the written statement?
- (2) Whether the workman lost his lien on the job as a result of his continue absence from duty for the period from 1st February, 1975 to 19th February, 1975?
- (3) If not, whether the termination of services of Shri Ishwar Singh was justified and in order? If not, to what relief is he entitled?

The case was fixed for 5th June, 1976 for recording evidence of the management when on a request made by them, it was adjourned to 6th July, 1976 for recording their evidence. The Tour Programme having being changed notices of reference were sent to the parties again. Where as Shri Onkar Parshad authorised representative for the workman appeared before me on 4th October, 1976, the management absented themselves on that date despite being personally served with the notice of reference with the result that *ex parte* proceedings were taken up against them and the *ex parte* evidence of the workman was recorded.

The workman appeared as his own witness and deposed that his services had been terminated by the management with effect from 12th February, 1975 without holding any enquiry and without serving any charge-sheet on him. He stated that he was in there service as a Machineman since 26th September, 1970 on wages of Rs. 150 per mensem and that he served notice of demand on the management. He tendered in evidence a copy of the proceedings of the Conciliation Officer Exhibit W/1.

I see no reason to disbelieve the statement of the workman concerned particularly when the proceeding against the management are *ex parte* and they have taken no care to defend the demand raised on them by the workman. I, therefore, relying on his evidence hold that the termination of his services by the management was unjustified and he is entitled to be reinstated with continuity of service and full back wages.

I decided all the issues against the management and answer the reference while returning the award in these terms.

MOHAN LAL JAIN,

Dated the 6th October, 1976.

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 2264, dated the 18th October, 1976.

Forwarded (Four copies) to the Secretary to Government, Labour and Employment Departments, Haryana, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 11648-4Lab-76/33066.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Haryana Textile, Rohtak Road, Bhiwani.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 137 of 1976

Between

THE WORKMEN AND THE MANAGEMENT OF M/S. HARYANA TEXTILE, ROHTAK ROAD,
BHIWANI

AWARD

By order No. ID/HSR/613-F-76/24779, dated 22nd July, 1976 the Governor of Haryana, referred the following disputes between the management of M/s Haryana Textile, Rohtak Road, Bhiwani and its workmen to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 9 of the Industrial Disputes Act, 1947:

(1) Whether the termination of following workers was justified and in order? If not, to what relief are they entitled:—

1. Shri Satnarain, son of Shri Ram Sarup.
2. Shri Shanker Lal, son of Tulshi.
3. Shri Bhura Singh, son of Shri Sultan.
4. Shri Om Parkash, son of Shri Chandgi Ram.
5. Shri Om Parkash, son of Shri Bhagwana
6. Shri Nihal Singh, son of Shri Man Singh.
7. Shri Ajit Singh, son of Shri Partap Singh.
8. Shri Vijay Kumar, son of Shri Kanshi Ram.
9. Shri Vijay Kumar, son of Shri Bhagrawat.
10. Shri Devi Dayal, son of Shri Amar Singh.
11. Shri Suresh, son of Shri Chhanga Ram.
12. Shri Dhan Singh, son of Shri Ram Kumar.
13. Shri Chelu Ram, son of Shri Dhani Singh.
14. Shri Devi Singh, son of Shri Bishan Ram.
15. Shri Bijender, son of Shri Sishail.

The case was fixed for the appearance of the parties today and for filing of the statement of claim by the workman. Today the representative for the workmen appeared and filed an application that all the workmen have received their payment as full and final settlement of their dues. He has also given a statement to that effect and have stated that there is now no dispute between the parties. I, therefore, give my award as follows:—

That there is no dispute between the parties.

NATHU RAM SHARMA,

Dated the 8th November, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1231, dated the 8th November, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 8th November, 1976.

No. 11652-4Lab-76/33068.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Harbans Lal-Prem Kumar, Private Limited, 18/1, Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 128 of 1976

between

SHRI SHIV PARSHAD WORKMAN AND THE MANAGEMENT OF M/S HARBANS LAL-
PREM KUMAR, PRIVATE LIMITED, 18/1, MATHURA ROAD, FARIDABAD.

AWARD

By order No. ID/FD/834-F-76/23081, dated 6th July, 1976, the Governor of Haryana, referred the following dispute between the management of M/s. Harbans Lal-Prem Kumar, Private Limited, 18/1, Mathura Road, Faridabad and its workman Shri Shiv Parshad to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Shiv Parshad was justified and in order? If not, to what relief is he entitled?

On receipt of the reference, notices were issued to the parties. The notices were served upon the parties. On the date fixed, the representative of the parties appeared. The representative of the workman prayed for adjournment to file the statement of claim and therefore the case was fixed on 27th October, 1976. On 27th October, 1976 none appeared. Neither the workman or his authorised representative appeared, nor the management or their authorised representative appeared. It seems that the workman has now no dispute with the management and hence his representative also did not appear. I, therefore, give my award as follows :—

There is no dispute between the parties.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 8th November, 1976.

No. 1235, dated the 8th November, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 8th November, 1976.

No. 11846-4Lab-76/33072.—In pursuance of the provisions of Section 17 of Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and management of M/s Verma optical, Mahavir Park, Bahadurgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 39 of 1976

between

SHRI JASWANT, WORKMAN AND THE MANAGEMENT OF M/S VERMA OPTICAL,
MAHAVIR PARK, BAHADURGARH

By order No. ID/RK/354-A-76/15939, dated 4th May, 1976, the Governor of Haryana, referred the following dispute between the management of M/s. Verma Optical, Mahavir Park, Bahadurgarh and its workman Shri Jaswant, to this Court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Jaswant was justified in order? If not, to what relief is he entitled?

The parties put in their appearance before me in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed,— *vide* order dated 8th September 1976:—

1. Whether the reference is bad in law for the reasons stated in preliminary objections of the written statement?
2. Whether the workman failed to implement the settlement, dated 27th January, 1976, if yes, to what effect?
3. Whether the management declined to assign duties to workman in pursuance of settlement, dated 27th January, 1976.

Shri Madhu Sudan Saran authorised representative of the workman made a statement before me on 3rd November, 1976 withdrawing the demand served on the management by the workman leading to the reference, on the grounds that the claim of the later had been settled and fully satisfied.

It would thus appear that there is now no dispute between the parties requiring adjudication. I hold accordingly and answer the reference while returning the award in these terms.

Dated the 4th November, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2493, dated the 15th November, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 2nd/6th December, 1976

No. 11651-4Lab-76/33179.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Capital Flour Mills, Plot No. 26, Sector-6, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 126 of 1974

between

SHRI KALU RAM, WORKMAN AND THE MANAGEMENT OF M/S CAPITAL FLOUR
MILLS, PLOT No. 26, SECTOR-6, FARIDABAD

AWARD

By order No. ID/FD/847-A-74/31149, dated 11th September, 1974, the Governor of Haryana, referred the following dispute between the management of M/s Capital Flour Mills, Plot No. 26, Sector-6, Faridabad and its workman Shri Kalu Ram to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Kalu Ram was justified and in order? If not, to what relief is he entitled?

On receipt of the reference, notices were issued to the parties. The parties appeared in the matter. The case was fixed for 14th September, 1976 for admission and denial of the documents produced by the management. Prior to that, both parties had appeared and the authorised representative of the workman prayed for adjournment, because he wanted time to see the documents for the purposes of admission and denial. On 14th September, 1976 the representative of the management appeared but the workman or his authorised representative did not appear, hence *ex parte* proceedings were ordered against the workman and the case was fixed for the *ex parte* evidence of the management. The management examined his witness Shri Tirlok Chand, Accountant who stated on oath that the workman joined service on 1st January, 1974 and abandoned services of his own on 3rd March, 1974 and all due wages of the workman have been paid to him. The management filed Exhibit M-1, M-2 and M-3, the copies of vouchers against which payments were made to the workman towards amount of wages, bonus and leave with wages. I am satisfied that there is no dispute between the parties. I, therefore, give my award that there is no dispute between the parties.

NATHU RAM SHARMA,

Dated the 8th November, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1234, dated the 8th November, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM, SHARMA,

Dated the 8th November, 1976

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 16th December, 1976

No. 6773-4Lab-76/33181.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s B.C. Steel Rolling Mills, Bahadurgarh (Rohtak).

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 8 of 1976

between

SHRI MAMLA PARSHAD PANDE AND OTHERS, WORKMEN AND THE MANAGEMENT
OF M/S B. C. STEEL ROLLING MILLS, BAHADURGARH (ROHTAK).

AWARD

By order No. ID/RTK/205-B-75/3021, dated 23rd January, 1976 of the Governor of Haryana, the following dispute between the management of M/s B.C. Steel Rolling Mills, Bahadurgarh and its workmen, was referred to this Court for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of the workmen enclosed in annexure 'A' was justified and in order? If not, to what relief are they entitled?

Whereas Shri R. D. Singal, authorised representative for the management put in his appearance on 3rd March, 1976 on behalf of the management under an authority executed in his favour by the later, non appeared for the workmen on that date as service of notice of reference had not been effected on any of them. It was thus directed,—*vide* order, dated 3rd March, 1976 that notice of reference shall be sent to the workmen again. The parties thus put in their appearance on 19th March, 1976, the next date of hearing fixed in the case. Claim statement was filed on that date on behalf of the workmen and Shri Pawan Dev, another authorised representative for the management appearing for them under an authority executed in his favour was directed to file written statement on 5th May, 1976 when he absented himself and *ex parte* proceedings were taken up against him.

☞ Shri R.S. Dahiya, authorised representative for the workmen appeared as their witness in *ex parte* evidence on 29th June, 1976 and supported the demand raised on the management by them while deposing that the services of each one of them had been terminated by the management on 10th October, 1976 without assigning any reason and without holding an enquiry.

I see no reason to disbelieve the statement of Shri R.S. Dahiya particularly when the proceedings against the management are *ex parte* and they have taken no care to defend the demand raised on them by the workmen leading to the reference.

I accordingly relying on the statement of Shri R.S. Dahiya, hold that the termination of the services of the workmen as mentioned in the list annexure 'A' was unjustified and that each one of them was entitled to reinstatement with effect from 10th October, 1975 with continuity of service and full back wages.

I, thus answer the reference while returning the award in these terms

Dated the 30th June, 1976.

MOHAN LAL JAIN.
Presiding Officer,
Labour Court, Haryana.
Rohtak

No. 1583, dated the 2nd July, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN.

Presiding Officer,
Labour Court, Haryana.
Rohtak.

ANNEXURE 'A'

1. Shri Kamla Parshad Pande
2. Shri Lalta Parshad Singh
3. Shri Tirath Raj
4. Shri Pancham
5. Shri Rai Jatan
6. Shri Ram Kislavan
7. Shri Mohan Lal
8. Shri Nar Singh
9. Shri Ram Nagina
10. Shri Rajogiri
11. Shri Surender Singh
12. Shri Ram Dev
13. Shri Sunil Kumar

MOHAN LAL JAIN.
Presiding Officer,
Labour Court, Haryana.
Rohtak.

The 26th November/6th December, 1976

No. 4200-4Lab-76/33183.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s D. L. F., Model Town, Industrial Area, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 32 of 1975

between

SHRI OM PARKASH WORKMAN AND THE MANAGEMENT OF M/S D. L. F., MODEL
TOWN, INDUSTRIAL AREA, FARIDABAD

AWARD

This award shall dispose of reference No. 32 and references Nos. 107 to 110 and No. 133 all of 1975, consolidated together,—*vide* my order dated 8th October, 1975 with consent of the parties on the ground that common questions of facts and law were involved in the same.

The Governor of Haryana referred the following dispute between each of the workman Om Parkash/Bahal/Badri/Ganga Ram/Sohan Lal/Ho Ram and the management of M/s D. L. F. Model Town, Industrial Area, Faridabad, separately for adjudication by this Court under the powers conferred on him,—*vide* clause (d) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947.

Whether the termination of services of Shri Om Parkash/Bahal/Badri/Ganga Ram/Sohan Lal and Ho Ram was justified and in order? If not, to what relief are they entitled?

The parties appeared in this Tribunal in each case in response to the usual notices of reference sent to them and filed their pleadings.

The workman Shri Om Parkash alleged that the management refused to take him on duty on 9th October, 1974 without assigning any reason or serving any charge sheet on him and that he was entitled to reinstatement. Each one of the others workmen alleged that the management refused to take him on duty on 1st December, 1974 without assigning any reason or serving any charge-sheet on him and that he was entitled to be reinstated.

The management in each case pleaded a settlement said to have been arrived at between the workmen, concerned and they on 16th July, 1975 in the presence of Shri B. S. Yadav, General Secretary of the union of which the workman was a member, whereby the workman was paid all his dues in consideration of his withdrawing the demand including his claim for reinstatement, leading to the reference.

Shri Bhim Singh, General Secretary of the District General Engineering Employees Union Gurgaon admitted his signatures on the settlement M. 1 without admitting its contents. He denied the plea of the management in respect of the parties having arrived at a settlement on 16th July, 1975.

The following issue was thus framed on the pleas of the parties,—*vide* my order dated the 8th October, 1975.

- (1) Whether the demand of the workmen is not liable to be rejected under a settlement relied on by the management and brought on record by them?

While examining himself as a witness in support of the issue framed, Shri Bhim Singh Yadav, set up a case that his signatures and the signatures of Shri Om Parkash workman and the thumb-impression of each one of the other 5 workmen were obtained by the management on a writing other than the settlement Exhibit M. 1 relied on by the later and that the first page of the settlement bearing their signatures and thumb impression had been changed by them (management). He thus admitted that leave second of the settlement Exhibit M. 1 bore his signatures and that of the signatures of Om Parkash workman and the thumb impression of each one of the other 5 workmen. The only question requiring determination under the circumstances would be as to whether he has been able to establish his case in respect of the management having changed the first leave.

As against the statement of Shri Bhim Singh Yadav as referred to above, Shri Sarup Chand General Attorney of the management deposed that each one of the workman and Shri Bhim Singh Yadav signed the settlement Exhibit M. 1 dated 16th July, 1975 in his presence after fully hearing the contents thereof. He categorically denied the suggestion that the management had changed the first leave of the settlement actually signed by the workman and Shri Bhim Singh Yadav subsequent to their having done so. He added that the workman concerned and Shri Bhim Singh Yadav signed the relevant receipt (M. 2 to M. 7) in respect of payment to him of the amount disbursed to him under the settlement.

I see no reason to disbelieve the statement of Shri Sarup Chand particularly when the signatures of the workman concerned and that of Shri Bhim Singh Yadav on the original settlement Exhibit M. 1 and the relevant receipt (M. 1 to M. 7) stand admitted, and the settlement Exhibit M. 1 consisting of two leaves read as a whole is found to be consistent excluding the possibility of the first page being replaced by the management subsequent to the execution of the original by the workman and Shri Bhim Singh Yadav their authorised representative. Any other words the subject of the settlement taken on the second leave is well connected with the subject of the settlement recorded on the first leave and considered from any angle of the plea of the workmen in respect of substitution of first leave for the original leave by the management subsequently is manifestly false and fabricated. The circumstances that some of the receipt relating to payment to the workman of the amount decreed in his favour by an authority under the Payment of Wages Act, does not in any way minimise the importance of his withdrawal of the demand leading to this reference as stated in paragraph 4 of the settlement.

I, therefore, relying on the statement of Shri Sarup Chand and the admission of the signatures of Shri Bhim Singh Yadav on the settlement Exhibit M. 1 and the receipts M. 2 to M. 7 hold that the settlement Exhibit M. 1 was voluntarily executed by each one of the workmen and Shri Bhim Singh Yadav after fully understanding and hearing its contents. One of the term of the settlement being in respect of the withdrawal of the demand leading to the reference by each workman, it shall have to be held that there is now no dispute between the parties requiring adjudication and no further proceedings can legally be taken in any of the reference. I accordingly decide the issue as stated above against the concerned workman with a finding that he is not entitled to any relief under the settlement Exhibit M. 1 duly held by me to have been executed by him. I thus answer each reference while returning the award in terms of the findings made by me.

MOHAN LAL JAIN.

Dated the 19th March, 1976

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 390, dated the 22nd March, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN.

Dated the 22nd March, 1976.

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad

No. 6183-4Lab-76/33185.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the Management of M/s Kalkaji Engineering Company, 3-G/8, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 134 of 1975

between

SHRI DEEP CHAND, WORKMAN AND THE MANAGEMENT OF M/S KALKAJI
ENGINEERING COMPANY, 3-G/8, FARIDABAD

AWARD

By order No. 1D/FD/75/52282-86, dated 29th July, 1975 of the Governor of Haryana, the following dispute between the management of M/s Kalkaji Engineering Company, Faridabad and its workman Shri Deep Chand, was referred to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Deep Chand was justified and the order ?
If not, to what relief is he entitled ?

The parties put in their appearance before me in response to the usual notices of reference sent to them.

Whereas the workman alleged that the management terminated his services with effect from 7th December, 1974, while declining to assign him any duty on that date without assigning any reason and without holding an enquiry against him, the management pleaded that the workman abandoned the job of a turner hold by him on wages of Rs. 375 per mensem, voluntarily on 1st August, 1975 and received Rs. 100 in cash from them on that date in lieu of all his claims including his right of reinstatement, against them.

The parties being present before me on 10th March, 1976, the workman was directed to file his rejoinder on 19th April 1976, the next date of hearing fixed in the case for that purpose. The workman, however, did not appear on that date despite being directed to do so with the result that *ex parte* proceedings were taken up against him against him and the management were directed to adduce their *ex parte* evidence on 10th June, 1976.

The management examined Shri Sunder Dass one of their partners in *ex parte* evidence on 10th June, 1976. Shri Sunder Dass deposed that the workman received from him a sum of Rs. 100 on 1st August, 1975 in full and final settlement of all his claims including that of his reinstatement against the management,—*vide* receipt, copy Ex. M. 1 and voucher, copy Ex. M. 2 and that he signed both these documents brought by him, in his presence.

I see no reason to disbelieve the statement of Shri Sunder Dass particularly when the proceedings against the workman are *ex parte* and he has not come forward to rebut that pleas of the management and it is supported by the documentary evidence consisting of the receipt and the voucher, copies Ex.M. 1 & M. 2 respectively allegedly bearing the signatures of the workman.

I find an averment made in the receipt copy Ex. M. 1, on behalf of the workman that he shall not claim his reinstatement. I, as such, relying on the *ex parte* statement of Shri Sunder Dass hold that the workman settled all his disputes including that of his reinstatement with the management, on 1st August, 1975,—*vide* receipt copy Ex. M. 1 and that there is now no dispute between the parties requiring adjudication.

I, accordingly, answer the reference while returning the award in these terms.

Dated the 17th June, 1976

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

No. 706, Dated the 19th June, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 19th June, 1976

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

No. 5164-4Lab-76/33213.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Jai Mahabali Steels, Ambala City.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK.

Reference No. 81 of 1974

between

SHRI BABU LAL, WORKMAN AND THE MANAGEMENT OF M/S JAI MAHABALI
STEELS, AMBALA CITY

AWARD

By order No. ID/AMB/355-D-74/36163-67, dated 31st October, 1974 of the Governor of Haryana, the following dispute between the management of M/s Jai Mahabali Steels, Ambala City and their workman Shri Babu Lal, was referred to this Court for adjudication, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947.

“Whether the termination of services of Shri Babu Lal was justified and in order? If not, to what relief is he entitled?”

The parties put in their appearance in response to the usual notices of reference sent to them and filed their pleadings. They arrived at a mutual amicable settlement and made their statements in terms thereof before me on 19th May, 1976 whereby the management agreed to re-employ the workman in case he reported for duty within 15 days from the aforesaid date and further agreed to pay him his earned wages and wages for earned leave and retrenchment compensation if admissible to him. The workman in turn agreed that he shall have no other claim against the management.

I, accordingly, answer the reference while returning the award in terms of the aforesaid settlement.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Dated 20th May, 1976.

No. 1298, dated the 22nd May, 1976.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Dispute Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 6th December, 1976

No. 1951-41ab-75/33161. In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the Management of M/S Victory Trading Corporation I-A Plot No. 9 & 10, Industrial Area, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 195 of 1973

between

SHRI KHALIK AHAMED WORKMAN AND THE MANAGEMENT OF M/S VICTORY TRADING CORPORATION I-A, PLOT NO. 9 & 10, INDUSTRIAL AREA, FARIDABAD.

Present.

Shri Amar Singh for the workman.

Nemo for the management

AWARD

Shri Khalik Ahamed workman concerned had joined service with M/s Victory Trading Corporation I-A Plot No. 9 & 10, Industrial Area, Faridabad, as a Turner on 2nd February, 1972 at Rs 135 P.M. The management allegedly terminated his services on 9th December, 1972 without any notice, warning or charge sheet. He raised a demand for reinstatement but without success. This gave rise to an industrial dispute. On his demand notice conciliation proceedings were started which also ended in failure.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes, 1947, referred the above dispute for adjudication to this Tribunal, — *vide* order No. ID/FD/487/73/44389, dated 20th November, 1973 with the following term of reference.

Whether the termination of services of Shri Khalik Ahamed was justified and in order? If not, to what relief is he entitled?

The parties were called upon to put in their respective pleadings. The workman concerned has filed the statement of claim reiterating his demand for reinstatement and back wages alleging that the termination of his services had been brought about by the management without any justification and not an illegal manner. The management has elected not to appear and contest the claim inspite of due service. The case has, therefore, been proceeded *ex parte*.

In support of his claim Shri Khalik Ahamed workman concerned has sworn testimony to the fact that after joining as a Turner on 2nd February, 1972 he had been performing his duties faithfully and the management had terminated his services without any justification. He had approached the Proprietor Shri Kashmiri Lal Personally 2/3 times with the request for being taken back on duty as there was no fault of his but he would not listen to him, he then gave the demand notice to the management on 12th December, 1972 asking for reinstatement and payment of back wages but there was no response to it and on 22nd December, 1972 he gave the demand notice Ex. W—1 to the Conciliation Officer (5 copies), as required by law, whereupon conciliation proceedings were initiated. The management did not appear in those proceedings and hence the failure report by the Conciliation Officer.

The workman has further stated that ever since the termination of his services he has been altogether out of job and has not been gainfully employed anywhere inspite of his best efforts. In answer to certain Court questions he has stated that he had received training in some workshop and that he had not been given any letter of appointment nor the letter of termination of services by the management. He has further stated that the factory is still working.

I have heard the learned representative of the workman and given a careful thought to the facts on record. There is apparently no reason to disbelieve the statement on oath of the workman concerned especially when the management has elected not to appear and contest his claim inspite of due service. Before his appointment as a Turner on 2nd February, 1972 he had received training in some workshop. He had performed his duty faithfully and was not given any notice, warning or charge sheet by the management. No termination letter either was given to him. Feeling aggrieved, he had met the Proprietor 2/3 times requesting for his reinstatement but without success. He then gave the written demand notice on 12th December, 1972 to the management but there was no response to the same. He was then obliged to take up the matter with the Conciliation Officer on 20th December, 1972 whereupon conciliation proceedings were initiated. The management, however, elected not to appear in those proceedings.

It is further clear from the statement of the workman that inspite of his best efforts he has not been gainfully employed anywhere and has been altogether out of job ever since his services were terminated.

So, on the facts brought on record, I am of the considered view that the termination of the services of the present workman is not justified and in order. The issue involved is decided in his favour and the award is made accordingly holding that he is entitled to reinstatement with continuity of his previous service and full back wages. He is also entitled to Rs 50 as the costs of the present proceedings.

Dated the 29th January, 1975

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 202, dated the 3rd February, 1975

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 29th January, 1975

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 7141-4Lab-76/33165.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Faridabad, in respect of the dispute between the workmen and the Management of M/S Good Year India Ltd., Ballabgarh.

BEFORE SHRI O.P. SHARMA PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD.

Reference No. 168 of 1974

between

Shri Jagdish Chand, workman and the management of M/s Goodyear India Ltd., Ballabgarh.

Present:— Nemo, for the workman.
Dr. Anand Parkash and Shri K.L. Khurana for the management.

AWARD

Shri Jagdish Chand, workman concerned was in the service of M/s Goodyear India Ltd. Ballabgarh as a Put-up-man since 14th June, 1966. The management terminated his services with effect from 11th June, 1974 by way of discharge on the ground of continuous absence from duty. Feeling aggrieved he raised a demand for reinstatement which was not accepted by the management. The matter was taken up for conciliation, which however, ended in failure.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the dispute for adjudication to this Tribunal, —vide order No. ID/FD/7-A/36169, dated 31st October, 1974 with the following term of reference.

Whether the termination of services of Shri Jagdish Chand was justified and in order? If not, to what relief is he entitled?

The parties were called upon to put in their pleadings. Shri Jagdish Chand filed the statement of claim on 10th November, 1974 reiterating his demand for reinstatement and payment of back wages, as earlier raised through the demand notice, dated 18th June, 1974 which form part of the present reference, with the allegations that his services had been terminated by the management by way of victimisation on account of his union activities. He had further alleged that he had to remain on sick leave due to the nature of the chemical work done by him in the factory and in spite of his request the management had not changed his duties.

In the written statement filed on 27th December, 1974, the management controverted the above allegations of the workman. It was stated that it was a case of simple discharge and on the ground of continuous absence from duty of the workman and the management had not been actuated by any consideration of victimisation on account of his union activities. It was further denied that he had contracted any sickness due to handling chemical in the course of his discharge of his duties.

The workman was required to file his rejoinder to the above pleas of the management but in spite of getting suitable adjournments no rejoinder has been filed by him. He has further elected not to appear in person or through authorised representative to pursue his claim.

Shri K.L. Khurana, Manager-Labour of the company has sworn testimony to the fact that this workman had remained absent from duty on medical ground for 130 days in 1971, 120 days in 1972, 190 days in 1973 and 40 days in 1974 up-to-date of the termination of his services on 11th June, 1974. He has further stated that his supervisor had warned him from time to time that due to his absence from duty the work was being disrupted and there was no normal functioning but in spite of that he did not show any improvement in his attendance and in the circumstances, the management was compelled to discharge him from service, —vide letter, dated 11th June, 1974 Exhibit M-1 which was sent to him by registered post and received by him on 14th June, 1974, —vide A. D. receipt Exhibit M-2.

Taking into consideration the facts of the case as made out from the pleadings and stated by Shri K.L. Khurana responsible Officer of the Company, I am of the considered view that it was a case of discharge simpliciter and the management had not been act by any consideration of victimisation on account of any union activities of the workman as alleged by him. Since he had remained absent from duty for a considerable period every year from 1971 onwards. The normal functioning of the work in the factory was naturally disrupted. The management gave him warnings from time to time but there was no improvement in his attendance. There is nothing on record to indicate that the alleged illness had been contacted by this workman due to and in the discharge of his duties while handling chemicals. In the circumstances, the management had no alternative but to dispense with his services in the interest of the normal functioning of the work in the factory. From the statement of Shri Khurana it is further clear that the management had all along been willing to pay his legal dues.

In view of the above, the termination of the services of the present workman by way of discharge was justified and in order and he is not entitled to the relief of reinstatement or payment of back dues after the date of the termination. He would, however, be at liberty to collect his legal dues for his past service. The award is made accordingly but without any order as to costs.

Dated the 13th February, 1975.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 252, dated 14th February, 1975.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 14th February, 1975.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.